

Sonya Trucking, Inc., d/b/a Sonya Trucking Company and United Mine Workers of America.
Case 9-CA-30654

November 10, 1994

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS STEPHENS, DEVANEY, AND
BROWNING

On November 5, 1993, the National Labor Relations Board issued a Decision and Order,¹ ordering Sonya Trucking, Inc., d/b/a Sonya Trucking Company, the Respondent, to among other things, remit to the United Mine Workers of America, the Union, all dues and assessments it failed to remit since November 4, 1992, and to make the unit employees whole, with interest, for medical expenses they may have incurred as a result of the Respondent's failure to provide medical insurance and to pay medical expenses since October 4, 1992, in violation of the National Labor Relations Act.

A controversy having arisen over the amounts due under the Board's Order, on May 25, 1994, the Regional Director for Region 9 issued a compliance specification and notice of hearing alleging the amounts due the Union and the employees under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the compliance specification, the Respondent failed to file an answer.

By letter dated September 16, 1994, counsel for the General Counsel advised the Respondent that no answer to the compliance specification had been received and that unless an appropriate answer was filed by September 23, 1994, summary judgment would be sought. The Respondent filed no answer.

On October 7, 1994, the General Counsel filed with the Board a motion to transfer case to the Board and for summary judgment, with exhibits attached. On October 13, 1994, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the compliance specification are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer

¹ 312 NLRB 1159.

within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment.

Accordingly, we conclude that the amount of medical expenses due the employees and the amount of dues and assessments due the Union are as stated in the compliance specification and we will order payment by the Respondent of said amounts to the employees and the Union, plus interest.²

ORDER

The National Labor Relations Board orders that the Respondent, Sonya Trucking, Inc., d/b/a Sonya Trucking Company, Dorothy, West Virginia, its officers, agents, successors, and assigns, shall make whole the unit employees and the Union as set forth in the compliance specification, by paying them the amounts set forth therein, plus interest.

Dated, Washington, D.C. November 10, 1994

James M. Stephens, Member

Dennis M. Devaney, Member

Margaret A. Browning, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

² In the compliance specification, the Regional Director noted that the Respondent's obligations under the Board's Order continue, and the Regional Director reserved the right to subsequently revise the amounts claimed and amend the compliance specification.